UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ANDERSON KILL & OLICK, P.C.,)
Plaintiff,)
\mathbf{v} .) 1:08-cv-4565 (AKH) (RLE)
BRAY & GILLESPIE, INC.; BRAY & GILLESPIE MANAGEMENT, LLC; CHARLES A. BRAY and JOSEPH GILLESPIE,) Electronically Filed)
Defendants.)))

DEFENDANTS' NOTICE OF MOTION

PLEASE TAKE NOTICE that on the 5th day of June 2008, counsel for defendants Bray & Gillespie, Inc.; Bray & Gillespie Management, LLC; Charles A. Bray and Joseph Gillespie will move this Court before the Honorable Alvin K. Hellerstein, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, 10007, on June 27, 2008 at 9:30 a.m. or at another time and date to be designated by this Court for an Order granting Defendants' Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue, or in the alternative, Motion to Transfer Venue to the Middle District of Florida.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendants shall rely upon this Notice of Motion; Memorandum of Law in Support of Defendants' Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue, or in the alternative, Motion to Transfer Venue to the Middle District of Florida; the Affidavit of Suzanne M. D'Amico and the attached exhibits, and the pleadings filed in this action.

Dated: June 5, 2008

New York, New York

Respectfully submitted,

s/Suzanne M. D'Amico

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and

OF COUNSEL:

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Attorneys for Defendants Bray & Gillespie, Inc.; Bray & Gillespie Management, LLC; Charles A. Bray; and Joseph Gillespie

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DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE, OR IN THE ALTERNATIVE, MOTION TO TRANSFER VENUE TO THE MIDDLE DISTRICT OF FLORIDA

Pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3) and 28 U.S.C. §§ 1404 and 1406, defendants Bray & Gillespie, Inc.; Bray & Gillespie Management, LLC; Charles A. Bray, and Joseph Gillespie, by their undersigned counsel, respectfully move this Court to dismiss this action for lack of personal jurisdiction and improper venue, or in the alternative, transfer venue to the United States District Court, Middle District of Florida, Orlando Division for the reasons set forth in the accompanying memorandum of law.

Dated: June 5, 2008 New York, New York

Respectfully submitted,

S/Suzanne M. D'Amico
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Attorneys for Defendants Bray & Gillespie, Inc.; Bray & Gillespie Management, LLC; Charles A. Bray; and Joseph Gillespie

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